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*(Additional Counsel Listed on Following Page)*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

JOHN ORNELAS, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

TAPESTRY, INC., a Maryland  
Corporation; and DOES 1 through 25,  
inclusive,

Defendants.

Case No. 3:18-cv-06453-WHA

*Assigned to the Hon. William Alsup*

**CLASS ACTION**

**JOINT PLAN FOR NOTICE OF  
CERTIFIED CLASS PURSUANT  
TO FRCP RULE 23(c)(2)(B);  
[PROPOSED] ORDER**

**LAW OFFICES OF THOMAS W. FALVEY**

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Attorneys for Plaintiff John Ornelas,

Individually and On Behalf

of All Others Similarly Situated

Pursuant to the Court's Order Certifying Class dated August 6, 2021, Plaintiff John Ornelas ("Plaintiff") and Defendant Tapestry, Inc. ("Defendant", with Plaintiff, the "Parties"), by and through their counsel of record, jointly submit this proposed plan for disseminating notice of the Court's certification order to the certified class, pursuant to Federal Rules of Civil Procedure, Rule 23(c)(2)(B), as follows:

The Parties have agreed upon the text of a proposed notice to the certified class. A copy of that proposed notice is attached to this Joint Plan as Exhibit "1".

The Parties have elected to use Simpluris, Inc. to serve as the third-party administrator to distribute this notice, with the cost to be shared equally by Plaintiff and Defendant.

Class members shall have thirty days to opt-out from the class, if they so wish, once the notice is distributed.

Dated: August 20, 2021

**BOYAMIAN LAW, INC.  
LAW OFFICES OF THOMAS W. FALVEY**

By /s/ Armand R. Kizirian  
Michael H. Boyamian  
Armand R. Kizirian\*\*  
Thomas W. Falvey  
Attorneys for Plaintiff John Ornelas

Dated: August 20, 2021

**AKIN GUMP STRAUSS HAUER &  
FELD LLP**

By /s/ Jonathan S. Christie  
Gregory W. Knopp  
Jonathan S. Christie  
Victor A. Salcedo  
Attorneys for Defendant Tapestry, Inc.

\*\*Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatory above.

**[PROPOSED] ORDER**

Having considered the Parties' Joint Plan for Notice of Certified Class Pursuant to Federal Rules of Civil Procedure, Rule 23(c)(2)(B), and good cause appearing, the Court hereby orders as follows:

- (1) The text of the class notice, as set forth in Exhibit "1" of the Joint Plan, is hereby approved;
- (2) Simpluris, Inc. will administer the mailing of the class notice, with the cost to be shared equally between Plaintiff and Defendant; and
- (3) Class members shall have thirty days from the mailing of the class notice to opt-out from the certified class, if they so choose.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HON. WILLIAM H. ALSUP  
Judge of the Northern District of California

Exhibit “1”

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In the matter of  
JOHN ORNELAS  
individually, on behalf of themselves and all others similarly situated,

Plaintiff,

v.

TAPESTRY, INC.  
a Corporation, and DOES 1 through 100,

Defendants,

Case No. C 18-06453 WHA

**NOTICE OF CLASS ACTION AND CLASS CERTIFICATION**

TO: All current and former non-exempt retail store employees employed by defendant Tapestry, Inc., at a Stuart Weitzman store in California from September 4, 2014 through August 6, 2021.

**Background Information**

On September 4, 2018, this matter was filed in Alameda County Superior Court. After removal by Defendant Tapestry, Inc. (“Defendant”) to the Northern District of California, this matter was ultimately assigned to the Honorable William H. Alsup. The Court has now certified as a class action portions of this lawsuit, which is entitled *John Ornelas v. Tapestry, Inc.*, Case No. C 18-06453. This means that the Class Representative (John Ornelas), through Class Counsel, can pursue the certified claims on behalf of all class members as outlined below. The Class Representative generally alleges that he and other non-exempt retail store employees employed at Tapestry, Inc.’s Stuart Weitzman stores in California were not paid for all hours worked, including overtime premium pay, as a result of Defendant’s security check policy. The Court certified this security check claim for all non-exempt retail store employees who worked at the Stuart Weitzman stores in the State of California from September 4, 2014 to August 6, 2021 (the “Class Period”).

Defendant denies liability or wrongdoing and maintains that non-exempt retail store employees were paid for all hours worked. Plaintiff maintains that non-exempt retail store employees were not fully paid for all hours worked, including overtime, by having to submit to Defendant’s security check process. The Court has made no rulings on the merits relating to the lawfulness of Defendant’s security check process in this lawsuit and whether the non-exempt retail store employees are entitled to unpaid minimum wages and overtime pay.

**Why Have I Received this Notice?**

You have received this notice because, according to Defendant's records, you may be a member of the certified class of Stuart Weitzman non-exempt retail store employees described below. This notice explains that there is a "certified" class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial.

**What Class Has Been Certified?**

The Court has certified the following Class:

All current and former non-exempt retail store employees employed by defendant Tapestry, Inc., at a Stuart Weitzman store in California from September 4, 2014 through August 6, 2021.

The Court has certified the class with respect to claims for unpaid minimum wages and overtime incurred as a result of Defendant's security check policy. The claims relate to whether non-exempt retail store employees of Stuart Weitzman submitted to a mandatory bag and coat check while off the clock.

**What Happens Next?**

The Court has set a trial date on December 6, 2021. If the case is not dismissed or settled before then, the trial will determine whether Defendant is liable for the claims that have been certified as class claims. You may not need to appear in court or otherwise participate in this trial to be a class member or to be eligible for monetary recovery should the Plaintiff prevail on his claims. Members of the class will have the opportunity to present information showing that they are entitled to recover damages.

**Your Right to Opt Out of this Lawsuit**

You have the right to opt out of this case. If you choose to opt out, you will not be eligible to recover damages in this lawsuit should the Defendant be found liable. If you opt out, you will be entitled to pursue your own court action, if you wish, subject to the applicable statute of limitations. You will not be rewarded or punished in any way based on your decision of whether or not to remain a class member or opt out of this class action case.

To opt out of this case, you must send the attached opt-out form to Third-Party Claims Administrator, [], stating that you have read and understand this notice, and that you do not wish to be a member of the certified class in this class action lawsuit. Send your request to: []. A pre-paid, self-addressed stamped envelope has been included for your convenience. To be effective, your request must be postmarked no later than .

**If You Wish to Remain in the Class**

You do not need to do anything to remain in the certified class in this case and reserve your right to make a claim for damages at a later stage if the Plaintiff succeeds on his claims that Defendant violated California law. If you do nothing, you automatically will stay a member of the class. Any judgment in the case, whether favorable or not, will automatically include all

class members, and all class members will be bound by any judgment. If you remain a member of the certified class but do not wish to be represented by the attorneys appointed by the Court to represent the class members, you may retain another attorney to represent you at your own expense, or you may represent yourself.

**Who Are Class Counsel?**

The Court approved Boyamian Law, Inc., and the Law Offices of Thomas W. Falvey as Class Counsel to represent all members of the Class. You will not be charged for these lawyers. You do not need to hire another lawyer, but if you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense. You may also represent yourself. The contact information for Class Counsel is as follows:

**BOYAMIAN LAW, INC.**

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PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE

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CUT HERE, RETAIN TOP PORTION FOR YOUR RECORDS

***DO NOT FILL OUT AND RETURN THIS FORM IF YOU WANT TO BE INCLUDED IN THE CLASS ACTION.***

**Read this legal notice carefully** before filling out this form.

The undersigned has read this Notice and **DOES NOT WISH TO REMAIN A MEMBER OF THE CLASS.** By signing below and returning this form, I understand that I will not share in any recovery that might be paid to the Class Members as a result of trial or settlement of this class action lawsuit; I will not be bound by any decision or judgment in this class action lawsuit; and I will be able to pursue my own claims, subject to any applicable statute of limitations.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Typed or Printed Name)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number, Including Area Code)

\_\_\_\_\_  
(Last Four Digits of Social Security Number or  
Individual Taxpayer Identification Number)